

REMARKS

The Office Action has been carefully reviewed along with the art cited therein. Applicants appreciate the Examiner's attention to this application and reconsideration is respectfully requested.

I. No Restriction Requirement

Applicant appreciates that the Examiner has made no restriction requirement at this time since there is no serious burden on the Examiner at this time.

II. Response to Objections

As suggested by the Examiner, Claims 18 and 34 have been amended to delete "well treatment fluid or the" from the first line of each of these claims.

III. Response to Double Patenting Rejections

Claims 1-47 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,764,981. Although the conflicting claims are not identical, the Examiner stated that they are not patentably distinct from each other because the claims in the instant application are somewhat broader than the patent claims. In response, the Applicants are filing a terminal disclaimer under 37 C.F.R. 1.321(c).

Claims 1-47 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/394,461. Although the conflicting claims are not identical, the Examiner stated that they are not patentably distinct from each other because the claims in the instant application are somewhat broader than the claims in the copending application. In response, the Applicants are filing a terminal disclaimer under 37 C.F.R. 1.321(c).

IV. Brief Description of Amendments

The Office Action did not reject any of the subject matter of Claims 4-12, 19-23, and 25-47, indicating that all of this subject matter is patentable over the prior art of record. Accordingly, in the interest of advancing the prosecution of this application, and without

prejudice to the filing of a continuation application, Applicant amends the claims to accept the allowable subject matter as follows:

Claim 1 has been amended to include the limitation that the “amine-based polymer comprises a chitosan-based polymer,” which except for being a composition claim, is similar to the subject matter of method Claim 6.

Claim 2 has been canceled without prejudice to pursue the subject matter thereof in a continuation application.

Claim 3 has been amended to depend on amended, now independent Claim 4.

Claim 4 has been amended to present the subject matter thereof in independent form.

Claim 5 has been amended to present the subject matter thereof in independent form.

Claim 6 has been amended to present the subject matter thereof in independent form.

Claims 7-12 are as originally presented and depend directly or indirectly on amended, independent Claim 6.

Claim 13 has been amended to depend on amended, independent Claim 6.

Claim 14 has been amended to depend on amended, independent Claim 6.

Claim 15 are as originally presented and depend on amended Claim 14, which is amended to depend on amended, independent Claim 6.

Claim 16 has been amended to depend on amended, independent Claim 6.

Claims 17-18 are as originally presented and depend on amended Claim 16, which is amended to depend on amended, independent Claim 6 (except for the correction of Claim 18 as previously noted).

Claims 19-23 each depend on amended, independent Claim 6.

Claim 24 has been amended to depend on amended, independent Claim 6.

Claims 25-47 are as originally presented (except for the correction of Claim 34 as previously noted and the clarification of Claim 45 as noted below).

VI. Minor Clarification of Claim 45

Claim 45 has been amended to recite, “units” as opposed to “glucose units” in an effort to clarify that the units of the recited list of polysaccharide-based polymers (such as those listed in Claim 35) that are oxidized are not necessarily only glucose units. For example, it is well known in the art that galactose units are the saccharide units of agarose.

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As well known in the art, and as noted at page 7, the last line of paragraph 23, glucose units are the saccharide units for starch. No new matter has been added to the application.

VII. New Dependent Claim 48

Claim 48 has been added to depend from amended, independent Claim 6 further define that which the Applicant regards as the invention. Claim 48 is similar to originally-presented Claim 45. No new matter has been added and no additional search should be required.

VIII. Conclusion

For these reasons, it is believed that Claims 1 and 3-48 as currently presented are patentable and in condition for allowance. If a telephone conversation would further the prosecution, the undersigned can normally be reached at the number below.

The Commissioner of Patents is hereby authorized to charge any fees or overpayments to Deposit Account No. 50-3037. A duplicate copy of this fee authorization sheet is enclosed for this purpose.

Dated: June 10, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENTS, COMMISSIONER OF PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450 on:

June 10, 2005
Date of Deposit
Tommy Knight
Name of Applicant, Assignee or Registered Representative
Tommy Knight
Signature
June 10, 2005
Date of Signature

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